

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17896 of 2004

Between:

Mr.K.Kishore, s/o Manikal Rao,
r/o A.T.Agraharam, TS No.104/2, Nallapadu, Guntur.

..... PETITIONER

AND

The Commissioner, Guntur Municipal Corporation, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus directing the respondent not to demolish or evict the petitioner from his respective house constructed in Sy.No.104/2, extent of 630 sq.feet, A.T.Agraharam, Nallapadu, Guntur Town following the due process of law and the action is in violation of the Art.14 and 21 of the Constitution of India and also direct the respondent not to interfere with the peaceful possession and enjoyment and pass

Counsel for the Petitioner:MR.K.SRINIVAS

Counsel for the Respondent : MR.T.S.VENKATARAMANA

The Court at the stage of admission made the following :

ORDER:

Earlier the petitioner's mother approached this Court by way of filing W.P.No.11314 of 1999, seeking a direction to the respondent therein not to evict her from the premises, and this Court through order, dated 28-07-1999, directed the respondent not to evict her without following the due process of law. Subsequently, it is alleged that the said property was allotted to the petitioner, who was granted house site patta through proceedings, dated 23-12-2003, and that he is in peaceful possession and enjoyment of the same. Now, the respondent without following the due process of law, is trying to evict the petitioner from the premises in question, for the purpose of widening of the road, and that on 20-09-2004, the officials of the respondent visited the premises and threatened him that they will demolish the structures. Apprehending that he will be evicted at any time, the petitioner filed the present writ petition.

There is no dispute that the petitioner was granted house site patta. However, if the respondent-Municipality requires the said property for the purpose of road widening, or any other public purpose, they can acquire the same, after following the due process of law.

Accordingly, the writ petition is disposed of. No order as to costs.

A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1. The Commissioner, Guntur Municipal Corporation, Guntur District.
2. Two C.D. copies.